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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,064	01/23/2002	Evan Stephen Crandall	113397C	7625

7590  
Mr. S.H. Dworesky  
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Room 2A-207  
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07/26/2007

EXAMINER
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PARRA, OMAR S

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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07/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/061,064		CRANDALL ET AL.	
	Examiner		Art Unit	
	Omar Parra		2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-16 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-16 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/04/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/10/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 2-16 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments filed on pages 7-8 of the 05/10/2007 Remarks, the newly added limitation, "receiving navigation instructions to navigate through said A/V information from said recipient via said voice connection", is met by Hansson, Baechle and Katz references as described in the following rejection.

On page 7, 4<sup>th</sup> paragraph, applicant argues that the limitation "transmitting A/V information from the sender to the recipient data communication network address via a data network during the voice communication" is admitted not to be disclosed by Hansson in page 3 of the Office Action. Regarding this matter, the examiner believes that Hansson is able to transmit data information from sender to recipient data

communication network address via a data network during the voice communication (page 19 line 25 - page 20 line 2; page 23 lines 28-31, page 24 lines 1-26). Hanson also discloses that anything being displayed on PC 2 of a NT5 can be presented on the TV set 3 or on any visual presentation capable device (page 24 lines 12-23) or vice versa by tapping a TV channel and send the information to PC 2 without passing any regular IP based network 14, i.e. Internet. In case of communication with an external IP network 14, this can be done through IP tunneling protocol, see page 13, lines 26-page 14, lines 31 and further explains how this could be done through IP-session, see page 15, lines 1-10). Hansson does not explicitly teach that the information data sent from sender to recipient is A/V data.

However, Baechle is brought in since he teaches a sender being able to transmit A/V from the sender (it could be either the customer sending video, or the agent sending video of products – col. 5 lines 2-11 or col. 5 lines 40-50, respectively) to the recipient data communication network address (Being the recipient the counterpart of whoever is sending the video) during voice connection (Voice communication starts with a call from the customer, col. 4 lines 34-38, continues between customer and agent, col. 3 lines 16-22, and ends simultaneously with the video transmission, col. 6 lines 28-37).

On page 8, applicant states that the cited references Hansson and Baechle do not disclose the limitation “wherein the recipient authorizes the transmitting by remaining on the voice connection for a designated period of time”, towards which the examiner respectfully disagrees.

Hansson and Baechle meet this limitation by being the recipient of the video the one that decides the length of the connection in a by session basis. In other words, it is the recipient who designates or assigns the time he/she will stay connected in the voice connection. The recipient can close connection and no transmission of video is performed if he/she decides not to by finishing the session terminated (Hansson, page 17, lines 18-24) and further disclosed by Baechle Col. 6, lines 28-38).

Therefore, the examiner believes that Hansson, Baechle and Katz cover all the limitations of applicant's invention as claimed.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **2-16 and 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson et al. (hereinafter 'Hansson', WO 97/47119) in view of Baechle et al. (hereinafter 'Baechle', EP0709997) in further view of Katz (Pub. No. 2006/0215029).

Regarding claim 21, Hansson discloses a method of transmitting information from a sender to a recipient, the method comprising the step of:

establishing a voice connection on a voice communication network between the sender and the recipient, the recipient having voice communication network address (telephone #) (see page 15, lines 13-page 17, lines 23; page 16, line 1-4; and page 23, Fig. 9, lines 27-31 ; for example user A makes a voice call to user B's phone number)

determining a recipient data communication network address based on an association between the recipient data communication network address and the recipient's voice communication network address (telephone #) (as disclosed at page 4, lines 23-25; page 12, lines 20-page 13, lines 25, page 15, lines 11-25 and Fig. 9, page 23, lines 28-page 24, lines 5, Hansson clearly explains how the telephony server 15 creates a dynamic relation between the IP address of the IP modem and the telephone number of user within the access network when the telephone server 15 receives an incoming call from an external network, i.e., PSTN or from an internal network, i.e., TV distribution network 8 of Fig. 9) ; and

transmitting information from the sender to the recipient data communication network address via a data network during the voice communication (page 19 lines 25-30, page 20 lines 1-2; page 23 lines 28-31, page 24 lines 1-26). Hanson also discloses that anything being displayed on PC 2 of a NT5 can be presented on the TV set 3 or on any visual presentation capable device (page 24 lines 12-23) or vice versa by tapping a TV channel and send the information to PC 2 without passing any regular IP based network 14, i.e. Internet. In case of communication with an external IP network 14, this

can be done through IP tunneling protocol, see page 13, lines 26-page 14, lines 31 and further explains how this could be done through IP-session, see page 15, lines 1-10).

Although Hansson teaches that information can be sent from sender to recipient and that video (TV channel) can be sent using this data network as explained above, he does not clearly disclose obtaining from the sender, an identification of the A/V information to be sent to the recipient and transmitting A/V information from the sender to the recipient. Additionally, Hansson does not explicitly teach receiving navigation instructions to navigate through said A/V information from said recipient via said voice connection.

However, in an analogous art, Baechle discloses obtaining from the sender, an identification of the A/V information to be sent to the recipient and transmitting A/V information from the sender to the recipient data communication network address via a data network during the voice communication (Col. 4, lines 34-Col. 5, lines 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's invention with the teaching of Baechle so that both sender and recipient able to experience of real-time interactive in which the sender able to share the control of the recipient TV device (Baechle, Col. 1, lines 45-55).

The combined references: Hansson and Baechle do not explicitly teach receiving navigation instructions to navigate through said A/V information from said recipient via said voice connection.

However, in an analogous art, Katz teaches using devices that are able to control the display of received video by using the keypad of the telephone while connected with the sender ([0083]-[0085]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to modify Hansson and Baechle's invention by using telephones that allow control the navigation of the received video as taught by Katz for the benefit of giving the convenience to the user of not using another device with extra buttons to press (remote control) to control the received video while it can be done with the already in use phone keypad.

Regarding claim 2, "wherein transmitting begins after the recipient authorizes the broadcast" reads on the fact that both the caller and the recipient is connected through the phone for after the connection is made between the caller and the recipient through the telephone network, thereby authorizing the transmitting to the caller. As such the caller initiates a message/information to the recipient through the CATV network 8 (Hansson, page 24, lines 7-23).

Regarding Claim 3, "wherein the recipient authorizes the transmitting by remaining on the voice connection for a designated period of time" reads on the connection is done between two devices by per session; thus when the session is terminated by an "on hook", the connection is terminated (Hansson, page 17, lines 18-24) and further disclosed by Baechle Col. 6, lines 28-38).



Regarding claim 4, "wherein the recipient authorizes the transmitting by transmitting a signal across the voice communication network, after the voice connection has been established" reads on the recipient answers the call (Hansson, page 18, lines 6-8).

Regarding claim 5, "wherein the recipient authorizes the transmitting by transmitting a signal across the data network, after the voice connection has been established" reads on the recipient answers the call, as disclosed on page 18, lines 6-8, using Internet telephony (Hansson, page 22, lines 4-11).

Regarding claim 6, receiving input from the recipient or sender; changing the information transmitted to the recipient data communication network address based on the input from the recipient or sender (Hansson, page 24, lines 16-18).

Regarding claim 7, "wherein the input is a signal transmitted across the voice communication network," reads on the conversation between the caller and the recipient in which the caller/recipient (Hansson, page 23, lines 27-page 24, lines 23).+

Regarding claim 8, "wherein the input is a signal transmitted across the data network" (Hansson, page 13, lines 25-page 15, lines 10).

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Regarding claim 9, wherein the signal is a DTMF (Hansson, page 19, lines 5-8).

Regarding claim 10, Official Notice is taken for the signal being a voice command. The use of a voice command is notoriously known in data communication art (i.e. the user could say "Call 555-5555" and the system will recognize the command using the speech recognition and place a call using the stated phone number.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson, Baechle and Katz's invention to use voice commands so to provide to user a friendly device that presents to users options that are easily to understand as similar to the options provided by conventional voice mail.

Regarding claim 11, wherein the sender is an automated interactive response system (Hansson, Fig. 9; PC 2).

Regarding claim 12, "further comprising the step of ending the broadcast of the information to the recipient data communication network address when the connection between the sender and the recipient ends" reads on the connection is done between two devices by per session; thus when the session is terminated by an "on hook", the connection is terminated (Hansson, page 17, lines 18-24).

Claim 13 was analyzed with respect to method claim 21.

Regarding claim 14, "means for initiating the connection on the voice communication network", (Hansson, page 15, lines 13-25).

Regarding claim 15, "wherein the mean for transmitting is initiated by means for sending a signal to a server attached to the data network and capable of transmitting the information to the recipient data communication network address (Hansson, page 15, lines 1-10 and page 23, lines 28-page 24, lines 25).

Claim 16 is analyzed with respect to claim 12.

Regarding claim 19, wherein the voice communications network address is a telephone number (Hansson, page 13, lines 9-12).

Regarding claim 20, wherein the information is adapted for rendering on a television screen (Hansson, page 24, lines 20-22).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP



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